

EXHIBIT A

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 In Re Application of FORENSIC NEWS LLC
6 and SCOTT STEDMAN for an Order Pursuant
7 to 28 U.S.C. Section 1782 to Conduct Discovery
for the use in a Foreign Proceeding

-----x

January 13, 2023

9:43 a.m.

8
9
10
11 Deposition of MARK T. ROSSINI, taken by
12 Attorneys for FORENSIC NEWS and SCOTT STEDMAN,
pursuant to 1782 Subpoena, with the Witness
13 located in Madrid, Spain, before William
Visconti, a Shorthand Reporter and Notary
Public within and for the State of New York.
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

GIBSON DUNN & CRUTCHER LLP

Attorneys for Forensic News and Scott
Stedman

200 Park Avenue, 47th Floor
New York, NY 10166

BY: ERICA SOLLAZZO PAYNE, ESQ.

epayne@gibsondunn.com

ELEANOR R. COATES, ESQ.

ecoates@gibsondunn.com

BAILEY DUQUETTE

Attorneys for The Witness

104 Charlton Street, Suite 1W
New York, NY 10014

BY: DAVID GREENBERGER, ESQ.

david@baileyduquette.com

-and-

STUMPHOUZER KOLAYA NADLER & SLOMAN PLLC

Attorneys for The Witness

One Biscayne Tower Two

S. Biscayne Boulevard, Suite 1600

Miami, Florida 33131

BY: MICHAEL NADLER, ESQ.

mnadler@sknlaw.com

ALSO PRESENT:

ADAM BALENCIAGA, Concierge

1
2 IT IS HEREBY STIPULATED AND AGREED
3 by and between the attorneys for the
4 respective parties herein that filing and
5 sealing be and the same are hereby waived.

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the form
8 of the question, shall be reserved to the
9 time of the trial.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the within deposition may be signed
12 and sworn to before any officer authorized
13 to administer an oath with the same force and
14 effect as if signed and sworn to before the
15 Court.

16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

M A R K T. R O S S I N I,
having been first duly sworn by the Notary Public,
was examined and testified as follows:

MR. GREENBERGER: This is
Mr. Greenberger. Before the deposition
commences there is something that
Mr. Nadler and I want to put on the record
if we could, respectfully.

As counsel for Gibson Dunn knows,
Mr. Rossini engaged Mr. Nadler and I well
after he received the subpoena. We've done
our best to work with them in a
collaborative manner. On January 10th,
Mr. Nadler and I had a meet and confer at
Gibson Dunn's request to discuss this
deposition and our prior representation
that we believe its subject matter impacts
our client's constitution rights and more
specifically the Fifth Amendment.

During that January 10th call
Mr. Nadler and I sought to engage with
counsel for the issuing party in an
iterative and collaborative manner as we've
done on a number of occasions in the past.

1
2 We were thus surprised and disappointed to
3 receive yesterday a letter that purports to
4 have confirmed our conversation, Mr. Nadler
5 and I without belaboring it I believe in
6 some respects at least misstates and
7 mischaracterizes what we had said.

8 Most specifically for me that
9 portion of the letter in which it implies
10 that I contradicted Mr. Nadler. I never
11 did. What I did was jump in in an effort
12 to protect our client's attorney-client
13 privilege because I thought a question
14 asked by an attorney at Gibson Dunn
15 directly asked about our communication
16 with Mr. Rossini and I wanted to protect
17 that and I thought the question was
18 inappropriate.

19 We are ready to proceed. We did not
20 have the opportunity yesterday because of
21 other litigation obligations to respond in
22 writing to the letter and I just wanted to
23 note here that we do dispute its
24 characterization.

25 That being said, I will also want to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

say a couple of things on the record that
Mr. Nadler and I have said repeatedly.

Mr. Rossini is under criminal
indictment, that is why Mr. Nadler is here.
Mr. Nadler is his very capable criminal
attorney. I'm a civil attorney.

Mr. Rossini also unfortunately is
suffering from very serious medical issues
in form of cancer. We ask that counsel be
mindful of both issues as we move forward.

I also want to note that certain
questions -- I will wait for the questions.
Why don't we proceed. Thank you for giving
me that opportunity.

MS. PAYNE: Thank you, David. I
will just say we believe that our characterization
of our call on January 10th is accurate as
we explained in our letter. The cases that
we cited clearly support the proposition
that the existence of a pending criminal
indictment alone does no support indication
of the Fifth Amendment with respect to
every question beyond those about general
background.

1
2 There must be a reasonable basis to
3 think that answering the specific question
4 posed will give the government evidence to
5 fuel the criminal prosecution. And the
6 risk of impeachment likewise is not a basis
7 for asserting the Fifth Amendment
8 privilege.

9 You're free to respond to our letter
10 in writing and we will just reserve our
11 rights to challenge the scope of
12 Mr. Rossini's indications if we feel that
13 we need to.

14 We appreciate and understand that
15 Mr. Rossini is suffering from health issues
16 and as we have indicated to you on our
17 prior calls, we are willing to accommodate
18 those issues by taking as many breaks as
19 Mr. Rossini might need and by limiting our
20 deposition sessions to 3 hours on the
21 record. So that's all I will say for the
22 moment on that.

23 I'm just going to ask my questions
24 today and we will deal with the Fifth
25 Amendment as we go.

1 MARK T. ROSSINI

2 EXAMINATION CONDUCTED BY MS. PAYNE:

3 Q. So with that I will say, hello to
4 you, Mr. Rossini, and thank you very much for
5 being here today. Can you hear me?

6 A. Yes.

7 Q. My name is Erica Payne. I'm with
8 the law firm of Gibson Dunn & Crutcher in New
9 York City and I'm here today with my colleague,
10 Eleanor Coates, My Colleague Lee Crane and Kate
11 McCaffrey may also be joining or listening in
12 on portions of the deposition today.

13 I represent Forensic News LLC and
14 Scott Stedman. This deposition today is not
15 part of the criminal case against you in
16 federal court. This is an unrelated civil
17 proceeding where you are a third-party witness.
18 And we are here to ask questions today
19 primarily about Walter Soriano who has brought
20 a liable suit in England against my clients and
21 about his consulting firm USG.

22 Mr. Rossini, are you aware that
23 your attorney --

24 MR. GREENBERGER: Erica, sorry to
25 interrupt. Just a point of clarification

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MARK T. ROSSINI

of what you said. You said that other colleagues might be listening in, does that mean they won't be in the room would you?

MS. PAYNE: Correct, they are not physically present, but they may be joining via the Zoom link.

MR. GREENBERGER: Okay, I want to note for the record that my position is that we should be able to see them if they're participating just like you can see us.

MS. PAYNE: To my knowledge no one else is on the link at the moment and if they join we will clarify that for the record.

MR. GREENBERGER: Thank you.

Q. Mr. Rossini, are you aware that your attorney and I conferred on Tuesday of this week regarding the scope of any potential Fifth Amendment issues?

MR. GREENBERGER: Objection.

MR. NADLER: Objection.

Conversations between attorneys and their clients. Do not answer that.

1 MARK T. ROSSINI

2 MS. PAYNE: I'm just asking if he
3 is generally aware.

4 MR. NADLER: Do not answer that.
5 We are not starting off on a great foot
6 here. Him being aware means that we had a
7 conversation related to him.

8 MS. PAYNE: Okay, I'm just asking
9 for his general awareness that you spoke.

10 MR. NADLER: You're now asking about
11 attorney-client privileged information
12 about what conversations we had with the
13 client and the scope and content. That is
14 not proper.

15 MS. PAYNE: I'm not asking for the
16 content of any of the conversations.

17 MR. NADLER: I'm not arguing with
18 you. He is not answering the question.

19 MS. PAYNE: Okay.

20 Q. Mr. Rossini, do you intend to
21 invoke the Fifth Amendment to certain questions
22 that I ask today?

23 A. As instructed by my attorneys I
24 will be invoking it if it is necessary, yes.

25 Q. Understood. We will take it

1 MARK T. ROSSINI

2 help explain where I think it is coming
3 from.

4 THE WITNESS: You're correct.

5 MS. PAYNE: Thank you, David.

6 Q. Mr. Rossini, if you need to seek
7 your lawyer's advice with respect to whether
8 and how you're going to invoke your Fifth
9 Amendment right against self-incrimination,
10 then I will allow you to confer with your
11 attorneys even if a question pending. Does
12 that sound okay?

13 A. That is very kind.

14 MR. GREENBERGER: Erica, I also
15 want to say something in full disclosure
16 before you get started.

17 MS. PAYNE: Sure.

18 MR. GREENBERGER: A subpoena duces
19 tecum was part of the 1782 Subpoena to
20 Mr. Rossini. After considering all of the
21 issues and conferring with Mr. Nadler we
22 are asserting the Fifth Amendment active
23 production privilege in response to the
24 same. Based on our understanding of
25 applicable Second Circuit law no log is

1 MARK T. ROSSINI

2 required.

3 For the avoidance of any doubt and
4 to avoid a contention of waiver later, I
5 also want to put on the record that we
6 believe that the responsive documents would
7 also be protected from disclosure by
8 attorney-client, work product and
9 litigation privileges held by other
10 entities and persons and all rights are
11 expressly waived -- I'm sorry, all rights
12 are expressly reserved in connection with
13 those assertions.

14 I will confirm that in writing after
15 the deposition, but I didn't want to ignore
16 the fact that there was a subpoena ducas
17 tecum attached to the 1782 Subpoena.

18 MS. PAYNE: Thank you, David, and
19 we would appreciate if you put that position
20 in writing after today's deposition.

21 I do plan to ask Mr. Rossini some
22 questions about what efforts he may have
23 made to locate documents that may be
24 responsive to our subpoena setting aside
25 any privileges you may or may not choose to

1 MARK T. ROSSINI

2 assert. But we would appreciate it if you
3 put your position in writing for us.

4 MR. GREENBERGER: Mr. Nadler
5 certainly will and I wanted to make sure
6 that was on the record. You may proceed.

7 MS. PAYNE: Thank you.

8 Q. Mr. Rossini, where are you
9 testifying from today?

10 A. Just outside of Madrid, Spain.

11 Q. Is there anyone else in the room
12 with you?

13 A. No.

14 Q. Will you please let me know if
15 anyone does joins you in the room today?

16 A. Sure.

17 Q. Other than the computer that
18 you're using to connect by video, do you have
19 any other devices with you today?

20 A. My phone.

21 Q. Any other devices?

22 A. My iPad.

23 Q. Any other devices other than your
24 phone and iPad?

25 A. No.

1 MARK T. ROSSINI

2 A. Counter terrorism.

3 Q. Did there come a time when you
4 left the FBI?

5 A. Yes.

6 Q. What year was that?

7 A. 2008.

8 Q. Why did you leave the FBI in 2008?

9 A. I think upon the advice of my
10 counsel I'm invoking my Fifth Amendment
11 afforded to me under the constitution.

12 Q. Was your resignation connected to
13 certain criminal charges against you?

14 A. Again I have to invoke my Fifth
15 Amendment rights as advised by my counsel.

16 Q. Were you charged with certain
17 crimes in 2008?

18 A. Once again, I want to invoke my
19 Fifth Amendment rights pursuant to my counsel's
20 advice.

21 Q. Mr. Rossini, it is okay if you
22 respond with Fifth Amendment just moving
23 forward to keep things moving. I will accept
24 that as an invocation of your Fifth Amendment
25 rights.

1 MARK T. ROSSINI

2 A. Thank you.

3 Q. Sure. Mr. Rossini did you plead
4 guilty to criminal charges in 2008?

5 A. Fifth Amendment again.

6 Q. Were you sentenced for certain
7 criminal charges in 2008?

8 A. Fifth Amendment.

9 Q. Mr. Rossini, what did you do next
10 after working for the FBI?

11 A. Fifth Amendment.

12 Q. After you stopped working for the
13 FBI did you start your own consulting firm?

14 A. Again, Fifth Amendment.

15 Q. Do you own a consulting firm
16 called MTR Associates?

17 A. Again, Fifth Amendment.

18 THE WITNESS: Can we take a break
19 so I can talk to my lawyer, please?

20 MS. PAYNE: Sure we can go off the
21 record.

22 (Recess Taken)

23 BY MS. PAYNE:

24 MR. NADLER: Mark, do you want to
25 provide some additional context and go back

1 MARK T. ROSSINI

2 to some of the questions?

3 A. Okay, you asked about my departure
4 from the FBI. I resigned from the FBI in 2008.
5 Some time in 2009 I pled guilty to five
6 misdemeanor charges. The exact I think it was
7 unauthorized access to a government computer or
8 something like that. I don't remember the
9 specifics. But it is all on the public record.
10 It is all over Google. It is over in the
11 courthouse, you know it. Okay.

12 You know from the public record I
13 was sentence to one year probation. You know
14 from the public record that I started a
15 management consulting company called MTR
16 Associates. I think that clarifies your
17 questions.

18 Q. Thank you, Mr. Rossini. We agree
19 this is a matter of public record. One clarifying
20 question for you. You mentioned that you
21 served one year probation. Did you successfully
22 serve that term of probation?

23 A. Yes.

24 Q. Mr. Rossini, you confirmed that
25 you started your own consulting firm named MTR

1 MARK T. ROSSINI

2 anything taken out of context, I just don't
3 know. I'm letting you know my objection if I'm
4 allowed to do that. Go right ahead. In that
5 context I'm answering.

6 Q. Understood. Let's just take this
7 one at a time at the most general level.

8 Do you know whether USG ever
9 performed any work of any kind for Mr. Abramovich
10 to the extent that you can answer yes or no?

11 A. Not that I'm aware of. I don't
12 know.

13 MR. GREENBERGER: Can I put one
14 other thing on the record, Erica, I
15 apologize?

16 MS. PAYNE: Yes.

17 MR. GREENBERGER: Because I think
18 this is the opportune time. Earlier this
19 week I asked Erica, Miss Payne, if this
20 deposition would be treated confidential
21 and only for use in this 1782 action and
22 the underlying litigation and Erica
23 couldn't commit to that in an e-mail but
24 said we would address it on a case-by-case
25 basis.

1 MARK T. ROSSINI

2 I want to point out too that to the
3 extent there were nondisclosure agreements
4 between Mr. Rossini and USG that there are
5 serious confidentiality concerns about
6 disclosure separate and apart from
7 privilege or litigation privilege under UK
8 law or work product under American law and
9 the Fifth Amendment issues we spent so much
10 time talking about.

11 So you asked me in your e-mail to
12 let you know when I thought we were getting
13 to a spot where that concern would be right
14 and I think we are at that point.

15 So, again, just to explain to you,
16 if Mr. Rossini had some sort of confidentiality
17 obligation to USG or on any of the matters
18 that he may or may not have worked, then he
19 has a concern as I understand it and we
20 have a concern, Mr. Nadler and I, that it
21 is going to go up on the internet and there
22 is going to be consequences to Mr. Rossini
23 simply because he answered the question
24 under oath. I just wanted to point that
25 out.

1 MARK T. ROSSINI

2 MS. PAYNE: Okay. I also point
3 out, Mr. Greenberger, as we wrote to you
4 yesterday, we agreed to work with you after
5 Mr. Rossini provided testimony.

6 MR. GREENBERGER: I know you did.
7 We are on the same page that is why you
8 asked me to point out if that concern came
9 up when it came up so that is what I'm
10 doing.

11 MS. PAYNE: Understood and thank
12 you. I just would like to put on the record as
13 well that we agreed to work with you to
14 address any of your concerns in good faith
15 after this deposition consistent with
16 United States and United Kingdom law.

17 To the extent that you're claiming
18 that Mr. Rossini had a nondisclosure
19 agreement with USG, I don't think that
20 would be a basis for refusing to answer
21 questions today.

22 MR. GREENBERGER: I want to be
23 absolutely clear. I didn't instruct him
24 not to answer on that basis. I'm pointing
25 out the concern and I would ask pursuant to

1 MARK T. ROSSINI

2 your representation that this -- any
3 answers that he gives don't go up on the
4 internet in the interim time period before
5 Mr. Nadler and I get to review the
6 testimony and confer with our client. Can
7 you give us that assurance?

8 MS. PAYNE: I believe I could give
9 you the assurance that we will not make any
10 portion of Mr. Rossini's testimony public
11 while you and Mr. Greenberger or before you
12 and Mr. Greenberger had a chance to review
13 the testimony and we will follow the rules
14 of any court in which we were to file a
15 portion of Mr. Rossini's testimony and as
16 long as you're not directing Mr. Rossini to
17 refuse to answer questions on that basis I
18 think we can proceed.

19 MR. GREENBERGER: We are almost
20 here. I think you meant Mr. Nadler, but
21 thank you for your representation.

22 There is a concern on our side that
23 anything he says is going to be put up by
24 your client on the internet. And as long
25 as you can assure us that won't happen at

1 MARK T. ROSSINI

2 least for the interim period while
3 Mr. Nadler and I can review a final
4 transcript and consult with our client,
5 then we have no -- we certainly can
6 proceed. I think you have given us that
7 assurance and I appreciate it.

8 MS. PAYNE: Okay. And to be clear,
9 my assurance is that we will not make
10 public Mr. Rossini's testimony other than
11 in connection with this legal proceeding or
12 in the legal proceeding in the UK.

13 MR. GREENBERGER: When you say we,
14 you're speaking also on behalf of your
15 client, right?

16 MS. PAYNE: David, can we actually
17 go off the record for a second. I just
18 want to confer with my team since you're
19 asking for a representation.

20 MR. GREENBERGER: Yes.

21 (Recess taken.)

22 MS. PAYNE: So I conferred with my
23 team in the interim while we were off the
24 record just now and I can represent that
25 it's not our or our client's intent to post

1 MARK T. ROSSINI

2 Q. Has Mr. Soriano ever done worked
3 for a representative of Mr. Abramovich, to the
4 best of your understanding?

5 MR. GREENBERGER: Same objection,
6 litigation, you can answer.

7 A. Same answer as before. I have no
8 way of knowing that, I don't know.

9 Q. Do you know whether Mr. Soriano
10 has ever met Mr. Abramovich?

11 A. No. How would I know that? I
12 have no knowledge of that. I don't know.

13 Q. Do you know whether Mr. Soriano
14 has ever communicated with Mr. Abramovich?

15 A. I told you before, I don't know.
16 I have no -- I don't know.

17 Q. Do you know whether Mr. Soriano
18 and Mr. Abramovich have ever had any kind of
19 business relationship?

20 A. No, I wouldn't have any reason to
21 know. I don't know.

22 Q. Okay. My next set of questions
23 are going to be about Mr. Oleg Deripaska.
24 Skipping down a few names on the subpoena. Has
25 USG ever performed work for Mr. Deripaska?

1 MARK T. ROSSINI

2 MR. GREENBERGER: Same objection,
3 litigation privilege. You may answer,
4 Mark.

5 A. On the advice of my attorneys the
6 Fifth Amendment.

7 Q. To be clear, do you intend to
8 invoke the Fifth Amendment for any questions
9 related to any work USG may have performed for
10 Oleg Deripaska?

11 A. I believe so.

12 MR. GREENBERGER: Objection to the
13 form of the question, that assumes something
14 that he didn't say by invoking his Fifth,
15 so objection to the form of the question.

16 Q. You can answer, Mr. Rossini?

17 A. Yes, anything to do with
18 Mr. Deripaska will be a Fifth Amendment, yes.

19 Q. Mr. Rossini, I'm going to show you
20 a different document that I will introduce as
21 Exhibit 2. It is going to be the indictment
22 dated August 3rd, 2022 in the matter United
23 States v. Wanda Vasquez Garced. Case number
24 22-342.

25 MR. NADLER: Sorry to interrupt, if

1

MARK T. ROSSINI

2

you're going to ask him any questions

3

related to that indictment, he's going to

4

assert the Fifth blanket. He will not

5

answer one question related to that

6

indictment or that case or that

7

investigation.

8

MS. PAYNE: Okay. We will go

9

question by question. I think I can ask a

10

couple of questions.

11

THE CONCIERGE: Is this item number

12

two in the folder?

13

MR. NADLER: I also would like to go

14

on the record. I think it is improper to

15

ask him any questions regarding an existing

16

indictment and pending charges in federal

17

court where he is still fighting those

18

charges.

19

MS. PAYNE: Your objection is

20

noted, Mr. Nadler. I would still like to

21

bring up the indictment, please.

22

MS. COATES: Adam this is Document

23

number 2.

24

(Rossini Exhibit 2 for

25

identification, Indictment dated August

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MARK T. ROSSINI

3rd, 2022 in the matter United States v.
Wanda Vasquez Garced.)

Q. Mr. Rossini, do you see the
document up on your screen?

A. Yes.

Q. Do you recognize this document?

MR. GREENBERGER: Objection. I'm
just going to be a little more blunt than
my colleague. We here in good faith under
a 1782 Subpoena after multiple meet and
confers and you have now put in front of
the witness the actual indictment for which
all of the Fifth Amendment privileges have
been founded.

And I'm just stunned and you have
Mr. Nadler's position as a criminal lawyer
on the record that he asserted a blanket
Fifth Amendment privilege on his client's
behalf with respect to this issue. And now
you're asking him questions about the very
document Mr. Nadler just put his objection
on the record with respect to.

So I will defer to my criminal
defense colleague, but I'm just -- I guess

1 MARK T. ROSSINI

2 all I can do is to ask you to stop and I
3 can't force you to stop.

4 MS. PAYNE: Mr. Greenberger, I'm
5 just clarifying the breath and scope of
6 Mr. Rossini's position on his Fifth
7 Amendment privilege. I don't think there
8 is anything --

9 MR. GREENBERGER: Miss Payne, with
10 all due respect, that's not his job. That is why
11 he has two lawyers in this deposition. It
12 is not his job to give you the context of
13 his privilege.

14 MS. PAYNE: I disagree, Mr. Greenberger --

15 MR. GREENBERGER: That's why he has
16 counsel. All I said that is why he has
17 counsel.

18 MS. PAYNE: I don't think there is
19 anything inappropriate about showing him
20 this indictment and using it to clarify the
21 breath and scope of his position on the
22 Fifth Amendment privilege.

23 So I'm going to ask my questions and
24 I don't think that I have asked him anything
25 inappropriate so far. All I asked him is

1 MARK T. ROSSINI

2 whether he recognize this document. So I'm
3 going to proceed and your objection is
4 noted.

5 Q. Mr. Rossini, have you read this
6 document before?

7 MR. GREENBERGER: Objection.

8 Q. You can answer, Mr. Rossini.

9 A. Yes.

10 Q. Do you generally understand its
11 contents?

12 MR. NADLER: Mark, do not answer
13 that, take the Fifth.

14 A. Fifth Amendment.

15 Q. Is this indictment the reason why
16 you have invoked your Fifth Amendment privilege
17 with respect to questions about work that USG
18 performed for Oleg Deripaska?

19 MR. NADLER: As your criminal
20 attorney I'm directing you to take the
21 Fifth.

22 A. Fifth Amendment.

23 Q. Okay, let's take a quick look at
24 the indictment. Mr. Rossini, is Mr. Soriano
25 mentioned anywhere in this indictment, to the

1 MARK T. ROSSINI

2 best of your recollection?

3 MR. NADLER: As your criminal
4 attorney I'm advising you to take the
5 Fifth.

6 MR. GREENBERGER: I also object on
7 the grounds that the document speaks for
8 itself.

9 A. Fifth Amendment.

10 Q. Mr. Rossini, are you taking the
11 advice of your criminal counsel to invoke your
12 Fifth Amendment right?

13 A. Yes.

14 Q. Sitting here today, can you recall
15 anyplace where Mr. Soriano appears in this
16 document?

17 MR. GREENBERGER: Objection, the
18 document speaks for itself. Same objection
19 as Mr. Nadler.

20 A. Fifth Amendment.

21 Q. Can we turn to page 4 of this
22 indictment. If we scroll down a little bit.
23 There is a section called Relevant Individuals
24 and Entities. Do you see that?

25 A. Yes.

1 MARK T. ROSSINI

2 MR. GREENBERGER: Objection, the
3 document speaks for itself.

4 Q. Mr. Rossini, do you have any
5 reason to believe that Mr. Soriano is listed in
6 this section as a relevant individual?

7 MR. GREENBERGER: Objection, the
8 document speaks for itself.

9 Miss Payne, I'm going to ask you to
10 move on, this document speaks for itself.
11 You have Mr. Nadler's position on our
12 team's behalf, you're wasting time.

13 MS. PAYNE: I disagree,
14 Mr. Greenberger, that I'm wasting time. I
15 just have a few more questions. So I will
16 just continue to ask them.

17 Q. Mr. Rossini, I asked you whether
18 you have any reason to believe Mr. Soriano is
19 listed in this section as a relevant individual?

20 MR. NADLER: Mr. Rossini, same
21 answer.

22 MR. GREENBERGER: Same objection,
23 the document speaks for itself.

24 A. Fifth Amendment.

25 Q. Mr. Rossini, do you have any

1 MARK T. ROSSINI

2 reason to believe Mr. Soriano is one of the
3 unnamed or anonymous individuals in this
4 indictment?

5 MR. NADLER: Mark, same answer.

6 A. Fifth Amendment.

7 MR. NADLER: This is inappropriate
8 for you to ask him what is or what he
9 believes is the potential facts behind an
10 existing criminal indictment. Whether it
11 is true or not, the question in itself is
12 improper and by definition violates his
13 Fifth Amendment right.

14 MS. PAYNE: The objection is noted.

15 Q. Mr. Rossini, is USG listed in this
16 section as a relevant entity?

17 MR. NADLER: Same answer.

18 MR. GREENBERGER: Same objection,
19 the document speaks for itself.

20 A. Fifth Amendment.

21 Q. If we scroll down to paragraph 18.
22 This paragraph refers to an unnamed international
23 consulting firm. Do you see that, Mr. Rossini?

24 A. Fifth Amendment.

25 MR. GREENBERGER: Objection, the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MARK T. ROSSINI

document speaks for itself. Miss Payne, if these are your remaining questions, then I think we can end the deposition.

MS. PAYNE: I have two more questions and I'm done.

Q. Mr. Rossini, do you have any reason to believe USG is the international consulting firm listed in this paragraph?

MR. GREENBERGER: Objection.

MR. NADLER: Objection.

A. Fifth Amendment.

Q. To your knowledge, Mr. Rossini, do the allegations in this indictment have anything to do with Mr. Walter Soriano?

MR. NADLER: Same answer.

MR. GREENBERGER: Same objection.

Miss Payne, can you make an offer on the record as to what basis you believe you have to ask questions that the government of the United States is not entitled to ask?

MS. PAYNE: Mr. Greenberger, I'm just clarifying Mr. Rossini's position on the Fifth Amendment and whether he is able

1 MARK T. ROSSINI

2 to substantiate the connection.

3 MR. GREENBERGER: No, you're not.

4 No, you're not. You're examining him on a
5 document that the government of the United
6 States does not even have the right to ask
7 him about.

8 MS. PAYNE: I disagree, Mr. Greenberger.

9 MR. GREENBERGER: It is completely
10 improper.

11 MS. PAYNE: It is Mr. Rossini's
12 burden to substantiate any connection
13 between the criminal indictment and the
14 allegations in this case in order to invoke
15 his Fifth Amendment privilege.

16 MR. GREENBERGER: That is the
17 responsibility of his counsel in a response
18 to an application made to the district
19 court. It is not the obligation of the
20 witness to answer questions about the
21 indictment that has been filed against him
22 in the District of Puerto Rico in a
23 situation where he currently is under
24 indictment and the government of the United
25 States does not have the right to ask him

1 MARK T. ROSSINI

2 the very same questions you are right now.
3 It is entirely inappropriate in my view. I
4 ask that you move on once again.

5 MS. PAYNE: We have a different
6 view with respect to whether this is
7 appropriate. I am going to return now to
8 the questions that I was asking about --

9 MR. GREENBERGER: I want to also
10 add for the record since this is apparently
11 not going to be our last day dealing with
12 this, unfortunately.

13 Mr. Nadler and I made ourselves
14 available on -- Mike, correct me if I'm
15 wrong, at least 3 or maybe 4 occasions to
16 discuss these matters. It is my view that
17 if inquiring counsel had disclosed to us
18 that she intended to examine the witness on
19 the very indictment that he is currently
20 facing in the District of Puerto Rico, we
21 would have sought a protective order from
22 the court. That intention was never
23 disclosed and that puts us in this
24 situation.

25 But, again, had that been disclosed,

1 MARK T. ROSSINI

2 we would have immediately sought a
3 protective order. You may continue.

4 MS. PAYNE: Mr. Greenberger, I will
5 note for the record while we have conferred
6 with you multiple times on whether to your
7 understanding there is any connection
8 between the allegations in this indictment
9 and the matters that are contained within
10 our subpoena, you have thus far been unable
11 to substantiate any connection between
12 those matters or the allegations in those
13 matters.

14 And I will note, again, that it is
15 the witness' burden to justify the
16 implication of his Fifth Amendment
17 privilege and we will reserve our
18 objections and our right to recall
19 Mr. Rossini, if necessary.

20 MR. GREENBERGER: I will just say,
21 regardless of your position on the legal
22 standard, I understand it is Mr. Rossini's
23 burden, but that burden is not met by
24 answering your questions under oath about
25 the very indictment that is at issue.

1 MARK T. ROSSINI

2 MS. PAYNE: Okay, let's move on. I
3 would like to pull up the subpoena that we
4 introduced as Exhibit 1. Scroll back down
5 to the list of names.

6 Q. Mr. Rossini, we were talking about
7 Oleg Deripaska. I believe I asked you before
8 my colloquy with your attorneys whether
9 Mr. Soriano or whether USG had ever performed
10 work for Mr. Deripaska. Are you invoking your
11 Fifth Amendment privilege in response to that
12 question?

13 A. Yes, as instructed by my attorney.

14 MR. GREENBERGER: Objection, asked
15 and answered.

16 Q. Has USG performed any work for
17 Mr. Deripaska before December, 2019?

18 MR. GREENBERGER: Objection, state
19 the privilege.

20 A. Fifth Amendment.

21 MR. GREENBERGER: Objection,
22 litigation privilege and then now, Mark,
23 you can say what you said.

24 A. Fifth Amendment.

25 Q. Mr. Rossini, I will represent to

MARK T. ROSSINI

you that Wanda Vasquez Garced became the Governor of Puerto Rico on August 7th, 2019. With that representation, will you answer the question whether USG has performed work for Mr. Deripaska before August 7th, 2019?

MR. GREENBERGER: Objection to the form of the question. Objection, litigation privilege. Objection both Mr. Nadler and Mr. Rossini told you that any questions concerning Mr. Deripaska will be responded by asserting the Fifth. Mark, you can answer.

A. Fifth Amendment.

Q. Has Mr. Soriano ever personally done work for Mr. Deripaska?

A. Fifth Amendment.

Q. Has Mr. Soriano ever met Mr. Deripaska?

MR. GREENBERGER: Objection, litigation privilege.

A. Fifth Amendment.

Q. Does Mr. Soriano have any kind of business relationship with Mr. Deripaska?

MR. GREENBERGER: Same objection.

1 MARK T. ROSSINI

2 A. Fifth Amendment.

3 Q. Has Mr. Soriano ever communicated
4 with Mr. Deripaska?

5 MR. GREENBERGER: Same objection.

6 A. Fifth Amendment.

7 Q. Did USG ever work on a project
8 related to the 2014 Olympics in Sochi, Russia?

9 MR. GREENBERGER: Objection,
10 litigation privilege, again the three that
11 I enumerated earlier.

12 A. Fifth Amendment.

13 Q. Mr. Rossini, have you ever heard
14 of a woman named Nastya Rybka?

15 A. It doesn't ring a bell.

16 Q. Mr. Rossini, do you know whether
17 Mr. Soriano has ever travelled to Thailand?

18 A. No clue.

19 Q. Mr. Rossini, have you ever heard
20 of a company called Strabag? S-t-r-a-b-a-g.

21 A. I have to say Fifth Amendment or
22 litigation privilege, I don't know.

23 MR. GREENBERGER: Can you read back
24 the question, please?

25 (Requested portion of record read.)

1 MARK T. ROSSINI

2 Q. To be clear, Mr. Rossini, you're
3 pleading the Fifth Amendment to my question
4 have you ever heard of a company named Strabag?

5 A. Yes, exactly, that's the Fifth
6 Amendment, right.

7 Q. Has USG ever done any work
8 involving the company named Strabag?

9 MR. GREENBERGER: Objection,
10 litigation privilege. Mark.

11 A. Fifth Amendment.

12 Q. Did Mr. Deripaska hire USG to
13 perform work involving the company Strabag?

14 MR. GREENBERGER: Same objection.

15 A. And the Fifth.

16 Q. Let's move on to another name on
17 this list, Dimitri Rybolovlev. Mr. Rossini, has USG
18 ever done any work for Mr. Rybolovlev?

19 MR. GREENBERGER: Objection, same
20 litigation privilege by which I mean
21 attorney-client, work product and the
22 litigation privilege under UK law and I
23 will continue to use the term litigation
24 privilege. Mark.

25 A. Fifth Amendment.

1 MARK T. ROSSINI

2 MS. PAYNE: Mr. Greenberger, I
3 don't think it is appropriate to invoke the
4 litigation privilege for a question that
5 required a yes or no answer. I'm just
6 asking for the fact of whether USG had ever
7 performed work for Mr. Rybolovlev. I'm not
8 asking for the substance of any
9 communications that may have happened
10 between a representative of USG and an
11 attorney in the course of seeking legal
12 advice.

13 MR. GREENBERGER: So I will respond
14 to that briefly. I don't know what I don't
15 know. And to the extent that another party
16 has hired a law firm which hired an
17 investigative agency, I don't represent any
18 of those parties and I don't know what is
19 or is not covered and I certainly don't
20 pretend to be knowledgeable about UK law.

21 So as I said at the beginning, I'm
22 asserting it as somewhat of a protective
23 device to ensure no one later can say
24 Mr. Rossini or I as his attorney waived
25 someone else's privilege.

1 MARK T. ROSSINI

2 I appreciate your position and I
3 hope you can appreciate mine. I don't
4 represent the underlying parties and I
5 don't know the nature of USG's work or
6 representation with anyone, whether it is
7 on this list or otherwise, and I'm just
8 trying to be a little bit protective. So I
9 appreciate your position and I hope you
10 respect mine.

11 MS. PAYNE: I do respect your
12 position, Mr. Greenberger and I would also
13 appreciate if you could instruct your
14 client to try to answer the question to the
15 extent that he can without revealing any
16 confidential legal communications.

17 MR. GREENBERGER: Sure, but I don't
18 think that is at issue with this, because I
19 heard him to assert his Fifth, so he is not
20 answering the question. Mark, did I hear
21 you right?

22 THE WITNESS: Yes.

23 Q. Did USG ever perform work for
24 Mr. Rybolovlev involving an artwork dispute
25 with Yves Bouvier?

1 MARK T. ROSSINI

2 MR. GREENBERGER: Objection,
3 litigation privilege.

4 A. I will say the Fifth again.

5 Q. Has USG ever worked to collect
6 debts for Mr. Rybolovlev?

7 MR. GREENBERGER: Same objection.

8 A. And the Fifth.

9 Q. Has Mr. Soriano personally ever
10 collected debts for Mr. Rybolovlev?

11 MR. GREENBERGER: I'm sorry, Erica --
12 Miss Payne, can we stop a second. There
13 suddenly became a terrible echo.
14 Miss Payne, can you say anything?

15 MS. PAYNE: Is that better?

16 MR. GREENBERGER: Much better.
17 Sorry to interrupt.

18 MS. PAYNE: No problem.

19 Q. Mr. Rossini, I had asked you
20 whether Mr. Soriano personally had ever worked
21 to collect debts for Mr. Rybolovlev?

22 MR. GREENBERGER: Objection,
23 litigation privilege.

24 A. The Fifth.

25 Q. Has USG ever performed work for

1 MARK T. ROSSINI

2 Mr. Rybolovlev involving the soccer club AS
3 Monaco?

4 MR. GREENBERGER: Objection,
5 litigation privilege.

6 A. The Fifth.

7 Q. Has USG ever performed work for
8 Mr. Rybolovlev involving an individual named
9 Ron Wahid? W-a-h-i-d.

10 MR. GREENBERGER: Same objection.

11 A. And the Fifth.

12 Q. Has Mr. Soriano ever met
13 Mr. Rybolovlev?

14 A. Fifth.

15 Q. Has Mr. Soriano ever had any kind
16 of business relationship with Mr. Rybolovlev?

17 A. The Fifth.

18 MR. GREENBERGER: I'm sorry, I'm
19 late there, same objection for me,
20 litigation privilege.

21 Q. Mr. Rossini, I also would like to
22 ask you some questions about a few other
23 persons or entities that we believe USG has
24 performed work for. Understanding that you may
25 invoke the Fifth Amendment in response to some

1 MARK T. ROSSINI

2 Q. Do you understand that this
3 subpoena ordered you to produce all documents
4 in your possession related to the topics that
5 we listed?

6 A. Yes.

7 Q. When I say documents, I mean both
8 physical and electronic documents. Do you
9 understand that?

10 A. Of course.

11 Q. Did you take any steps to locate
12 documents that might respond to the topics
13 identified in our subpoena?

14 A. Yes.

15 Q. What steps did you take?

16 MR. GREENBERGER: Okay, now I'm
17 going to object. I have no problem asking
18 him if he did. But again, we are asserting
19 the Fifth Amendment act of production
20 privilege, I will be putting this a letter
21 as you asked for and I represented that I
22 would. And I'm concerned about going too
23 deep into this area because that vitiates
24 the privilege that Mr. Nadler and I have
25 already asserted on our client's behalf.

1 MARK T. ROSSINI

2 MS. PAYNE: I'm just trying to get
3 a sense of what steps Mr. Rossini took to
4 look for documents that are in -- that are
5 requested by the subpoena. I'm not
6 asking --

7 MR. GREENBERGER: I appreciate
8 that. So as long as we understand it is
9 not a waiver. If you want to ask if he
10 searched for hard copy documents, e-mails,
11 I will allow that. But I will not allow
12 what his analysis was because I think that
13 is what the active production privilege is
14 expressly there to cover.

15 MS. PAYNE: Let's do it this way.

16 Q. Mr. Rossini, did you look for
17 physical documents in your possession that
18 might respond to our request?

19 A. Yes.

20 Q. Mr. Rossini, when you worked for
21 USG, did you use your personal laptop to
22 conduct your work?

23 A. Well, I had an iPad that I used
24 for my work. But when I was at the office I
25 used the office computer.

1 MARK T. ROSSINI

2 data on it that was contained or your prior
3 cell phone that you used while you worked for
4 USG?

5 A. No, not that I know of. No.

6 Q. You didn't transfer text messages
7 from your old phone to your new phone, for
8 example?

9 A. I have no text messages. Nothing.
10 I have nothing, no.

11 Q. When you say you have no text
12 messages --

13 MR. GREENBERGER: This is where I
14 was worried, I'm going to ask that the
15 prior answer be stricken because that's
16 exactly what we're getting into.

17 Mark, again, they can ask you where
18 you searched, please don't talk about what
19 we have located, if anything. Because I
20 don't want a situation later where someone
21 claims that with respect to the documents
22 that there is waiver. Please don't answer
23 that.

24 THE WITNESS: Okay, I will not.

25 Q. To be clear, you're asserting the

1 MARK T. ROSSINI

2 Fifth Amendment with respect to that question;
3 is that correct?

4 MR. GREENBERGER: No, you can read
5 the question. I thought the witness went
6 beyond your question and started talking
7 about what he has with his counsel located
8 and that was my concern.

9 MS. PAYNE: I believe I asked
10 whether Mr. Rossini routinely deletes text
11 messages.

12 MR. GREENBERGER: No, no, you went
13 down a longer line, you asked him about
14 whether text messages transferred over from
15 his old phone to new phone.

16 MS. PAYNE: Correct.

17 MR. GREENBERGER: And Mr. Rossini
18 went beyond your question and started
19 talking about what he had or didn't have on
20 the phone and that's where my concern came
21 from. Quite candidly, counsel, there was
22 nothing wrong with your question. I'm
23 asking the witness not to go into areas
24 that Mr. Nadler and I have asserted or
25 covered by the privilege.

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, WILLIAM VISCONTI, a Shorthand Reporter and
Notary Public within and for the State of New York,
do hereby certify:

That prior to being examined, the witness named in
the foregoing deposition was duly sworn to testify the truth,
the whole truth, and nothing but the truth;

That said deposition was taken down by me in
shorthand at the time and place therein named and
thereafter reduced by me to typewritten form and that the
same is a true, correct, and complete transcript of said
proceedings.

Before completion of the deposition, review of the
transcript [X] was [] was not requested. If requested,
any changes made by the deponent (and provided to the
reporter) during the period allowed are appended hereto.

I further certify that I am not interested in the
outcome of the action.

Witness my hand this 19th day of January, 2023.

A handwritten signature in black ink, appearing to read 'William Visconti', with a stylized, flowing script.

WILLIAM VISCONTI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

DESCRIPTION

PAGE

(Rossini Exhibit 1 for	54
identification, subpoena for	
documents and testimony.)	
(Rossini Exhibit 2 for	69
identification, indictment dated	
August 3rd, 2022 in the matter	
United States v. Wanda Vasquez	
Garced.)	

1 DAVID GREENBERGER, ESQ.

2 david@baileyduquette.com

3 January 20, 2023

4 RE: In Re Application Of Forensic News Llc And Scott Stedman v.

5 1/13/2023, Mark T. Rossini (#5651668)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 CS-NY@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

In Re Application Of Forensic News Llc And Scott Stedman v.
Mark T. Rossini (#5651668)

E R R A T A S H E E T

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

Mark T. Rossini

Date

1 In Re Application Of Forensic News Llc And Scott Stedman v.
2 Mark T. Rossini (#5651668)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Mark T. Rossini, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Mark T. Rossini

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

16
17 _____
18
19 NOTARY PUBLIC
20
21
22
23
24
25